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Products harmful to health and the environment

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolution 39/229, in which the Secretary-General was requested to report every three years through the Economic and Social Council on products harmful to health and the environment, including the publication of the Consolidated List of Products Whose Consumption and/or Sale have been Banned, Withdrawn, Severely Restricted or Not Approved by Governments. The List, containing restrictive regulatory decisions on chemicals and pharmaceuticals, is prepared in cooperation with the United Nations Environment Programme and the World Health Organization, as part of an effort to disseminate information internationally on products harmful to health and the environment.

The report provides an overview of activities undertaken by United Nations system organizations and other major developments in the area of environmentally sound management of chemicals since the previous triennial review in 2001. It also contains recommendations for consideration by the Economic and Social Council.

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I. Introduction

1. In its resolution 37/137 of 17 December 1982, the General Assembly requested the Secretary-General to prepare a Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments[1] on the basis of the work already being undertaken within the United Nations system. In its resolution 39/229 of 18 December 1984, the Assembly decided, inter alia, that an updated Consolidated List should be issued annually and that the data should be made available to Governments and other users through direct computer access to it. In accordance with this decision, the format of the List has been kept under continued review, in cooperation with the relevant organs, organizations and bodies of the United Nations system, with a view to its improvement, taking into account its complementary nature, the experience obtained and the views expressed by Governments. In accordance with the same resolution, the Secretary-General was requested to inform the Assembly at its forty-first session and every three years thereafter, through the Economic and Social Council, on the implementation of the aforementioned resolutions.

2. In compliance with the most recent Economic and Social Council resolution (2001/33) on the List, in which the Council requested the Secretary-General to look into the possibility of using online dissemination data in the List, a special effort was made, in addition to preparing it for printing, to make the next scheduled issue available online. The eighth issue was posted on the Council web site in September 2003 on a trial basis. Since then, two more issues of the List have been posted, while the feasibility of providing online access to a sales publication are being discussed.

3. The present report, covering the seventh triennial review of the Consolidated List, is prepared in compliance with the aforementioned resolution and other resolutions of the General Assembly (38/149, 44/226) and the Economic and Social Council (1998/41). It provides an overview of major recent developments, reported by organizations of the United Nations system, regarding products which are harmful to human health and the environment and makes proposals on the possible impact of these developments on the format, content and coverage of the List. The report also describes recent adjustments in the production schedule and distribution pattern of the List. It includes the developments which are active in the sound management of chemicals.

II. Review of the Consolidated List

A. Format, scope and content

4. Continuous review of the format and content of the Consolidated List have made it possible to expand its coverage and scope. While the List, in line with General Assembly resolution 37/137, has remained easy to read and understand, the number of products listed and the number of Governments reporting have regularly increased with each new issue. Thus, the first issue of the List covered less than 500 products regulated by 60 Governments. The two most recent issues (ninth and tenth) put together would cover approximately 1,100 chemical and pharmaceutical products regulated by 113 Governments.

5. The scope of information contained in the List has remained essentially the same over the years. The List is divided in two parts. Part I, compiled by the United Nations, the World Health Organization (WHO) and the United Nations Environment Programme (UNEP), contains the text of restrictive regulatory decisions taken by competent national authorities on both pharmaceutical (monocomponents and combinations) and chemical (agricultural and industrial) products. Consumer products have been included only when they are hazardous because of their chemical composition. Psychotropic and narcotic substances, covered by international conventions, are included only in cases where a country has notified WHO either that the substance is controlled more rigorously than is provided for under the relevant international conventions, or that the substance has been subjected to national control before being considered for international scheduling. The List does not include many widely used industrial chemicals to which occupational exposure limits have been assigned by national authorities. Information on these products is available in publications of the International Labour Organization (ILO).[2] Similarly, relevant information on food additives, which fall outside the scope of the List, is considered by the Food and Agriculture Organization of the United Nations (FAO)/WHO Codex Alimentarius Commission.[3] The regulatory information also includes references to the relevant legal and statutory documents in order to enable the user to ascertain the legal context and scope of the regulations. There are, in addition, bibliographic references to scientific and technical studies by international organizations relating to chemical products. In addition, the List includes an alphabetical and classified listing of products and three indexes: scientific and common names, trade/brand names and Chemical Abstract Service Registry numbers.

6. WHO regularly provides explanatory comments regarding information on related national regulatory actions taken on almost all pharmaceutical products. These comments contain useful information reflecting the position of Governments on their regulatory actions in the light of different national priorities, thus providing context for these actions. UNEP and the International Programme on Chemical Safety, however, are not able to provide similar comments on regulatory actions related to chemicals, because of the large number of products in which these chemicals appear and the many applications of such products. Nevertheless, in the case of pesticides and chemicals covered under the Rotterdam Convention, decision guidance documents, prepared by the Convention secretariat, provide detailed information, including summaries of risk and benefits and reasons for regulatory action.

7. Part II of the Consolidated List contains commercial information relating to a large proportion of the products included in part I. The commercial data is compiled by the United Nations Secretariat from publicly available sources and includes information on the manufacturers of these products and their generic and, if available, proprietary trade names, under which these products are marketed worldwide. Only the name and location of the parent company is included in the List, even when the actual producer is a subsidiary located in another country. An effort is made to verify collected commercial data with the respective manufacturer before printing the List.

8. Recognizing that all pharmaceutical and chemical products are potentially harmful if not correctly used, it is worthwhile to highlight a number of considerations that may affect the contents of the Consolidated List, such as:

(i) decisions taken by a limited number of Governments on a specific product may not be representative of the policy position of other Governments, particularly in view of differing risk/benefit considerations; (ii) the fact that a given product is not listed as regulated by a country does not necessarily mean that its use is permitted in that country; rather, it may mean that the relevant regulatory decision to prohibit its use has not yet been communicated to the United Nations, WHO or UNEP; and (iii) in the case of pharmaceuticals and pesticides, which are frequently subject to compulsory registration procedures, the product may not have been submitted for registration.

9. As mentioned earlier, information included in the List on pharmaceutical products is provided by WHO, which collects and disseminates it through various exchange mechanisms, among them: (i) the international drug monitoring programme, which collaborates in monitoring suspected adverse drug reactions with the aim of identifying, at the earliest possible moment, the liability of a drug to produce undesirable effects which were not detected during its clinical trials; (ii) the WHO certification scheme on the quality of pharmaceutical products moving in international commerce through which the exporting country is required to certify, on request, the quality control standard drugs. In the case of a product not authorized for sales or distribution in the exporting country, the reasons are explicitly stated and, when relevant, grounds for refusal are disclosed; (iii) WHO drug information circulars contain information received from Member States on the safety and efficacy of drugs, which include any decision to prohibit or limit the availability of a drug already in use, any decision to refuse the approval of a new drug and any approval when accompanied by restrictive provisions.

10. Information on a considerable number of chemical products and related data included in the Consolidated List has been provided by UNEP and originates from a variety of sources, especially the legal file of the International Register of Potentially Toxic Chemicals and submissions made under the original voluntary prior informed consent (PIC) procedure. In 1995, however, UNEP ceased updating the legal file. In 1998, when the original voluntary PIC procedure was superseded by the interim PIC procedure — operated in accordance with the provisions of the Rotterdam Convention — it became apparent that virtually all the notifications of bans or severe restrictions previously submitted under the original procedure did not meet the new information requirements, as set out in annex I to the legally binding Rotterdam Convention. Consequently, the Convention secretariat only considers as valid those notifications of bans or severe restrictions that meet the requirements of the Convention. Notwithstanding that the number of products covered under the Convention is still rather limited, it would be useful to continue to provide information on identified restricted products through the List until the process under the Rotterdam Convention can review and take a decision on the inclusion of many of these products.

11. In connection with the asymmetry between the small number of chemical products currently covered under the chemical conventions (Rotterdam, 37; Stockholm, 12) and the large number of chemical products that are included in the Consolidated List (over 500), it is worthwhile to mention that it will take longer to add new products under the Conventions, with their legally binding mandates, their focus on specific products and their strict criteria for the inclusion of new products, including detailed documentation. However, the List is an instrument mandated by the General Assembly in its resolution 37/137 and other resolutions, with the

primary responsibility of disseminating information available within the United Nations system on products harmful to health and the environment on which regulatory actions have been taken by Governments, to as wide an audience as possible.

12. It is also important to note that summaries of notification of regulatory action received by the Rotterdam Convention secretariat, if not satisfying all elements of the criteria specified in annex I to the Convention, are not published; only limited information is circulated. Irrespective of the decision of the Convention secretariat, these notifications are deemed to be valid within respective issuing countries and thus qualified to be included in the List.

B. Utilization, dissemination and computer access

13. Close attention has been paid to having the Consolidated List published as laid down in General Assembly resolutions 39/229 and 44/226. Dividing the list into two separate issues — one for pharmaceuticals and the other for chemicals — has not only aided in the handling of large and growing databases, but has also made it possible to print the number of copies according to the need of each group of users, respectively, thereby facilitating the distribution of the publication to a more focused group of users every year.

14. The List continues to present, in a unified manner, information on restrictive regulatory decisions taken by Governments on a range of pharmaceutical and chemical products. As such, it is a recognized source of valuable information for Governments in ensuring access to information that may be useful in taking appropriate regulatory measures for the use of pharmaceutical and chemical products in the light of their particular national circumstances. Furthermore, the provision of information on trade names, under which these products are marketed, adds value to the List and makes it easier for national authorities and others monitoring such activities to identify a restricted product available in the local market. The identification of the product with its manufacturer also provides access to safety data sheets and other information available from the manufacturer. In addition, commercial data provides an easy method to cross-reference trade names with recognized common scientific names under which most regulatory information is available. Other users of the List include intergovernmental organizations, academic institutions, concerned non-governmental organizations, the media and other members of civil society. The List has thus proved to be an important tool for public interest and consumer groups in bringing to the attention of Governments and manufacturers the need to remove hazardous products from the marketplace and in raising awareness among public officials and non-governmental organizations on the health-related effects of using certain products.

15. In accordance with General Assembly resolution 39/229, which calls for the List data to be made available to Governments and other users in such a form as to permit direct computer access to it, information contained in the List was transferred to diskettes on an experimental basis. The Secretariat continued to work on the feasibility of producing the List data on diskettes/CD-ROMs, with search facilities, and to make them available as sales items in addition to the printed text. In compliance with Economic and Social Council resolution 2001/33, in which the Council requested the Secretary-General to look into the possibility of online

dissemination of the List, the eighth issue of the List, containing complete historical data on pharmaceuticals, became the first issue to be printed as well as posted on the Council web site under publications in September 2003, on a trial basis.

16. Since September 2003, the ninth and tenth issues of the List, containing, respectively, the most recent available data on chemicals and pharmaceuticals, had been posted on the Internet and, at the same time, a short version of each had been published. These versions contain only new and updated information since the publication of the respective previous issues. The short version is printed for the benefit of those users of the List, particularly in the developing countries, who may not have easy access to the Internet, or those who would like to continue to receive the publication in the printed version for reasons of their own. It is recommended that the short version be used in conjunction with the most recent printed version of the List containing complete historical data. In view of the List being a sales publication, consultations are under way on whether to develop a subscription scheme or to provide free of charge Internet access on a permanent basis to the List's database.

17. Starting with the second issue of the Consolidated List, a questionnaire has been included in the List for the purpose of assisting the Secretariat to determine the use to which the List is being put. The List continues to play an important role in facilitating information and decision-making on products which are restricted in some countries but still available in others.

III. Developments since the previous triennial report

A. United Nations Conference on Environment and Development-related cooperation mechanisms and chemical conventions

18. Ever since the United Nations Conference on Environment and Development,[4] chapter 19 of Agenda 21 has reflected the preoccupation and the work of the organizations of the United Nations system in the area of environmentally sound management of toxic chemicals. The current work on the issue of products harmful to health and the environment is based mostly on the principles indicated in chapter 19, which encouraged increased national and international efforts for intensive international work and designated the International Programme on Chemical Safety (IPCS)[5] as the nucleus for international cooperation. IPCS was set up jointly by UNEP, WHO and ILO in 1980 to establish risk assessment for the safe use of chemicals and for technical cooperation in chemical safety. Furthermore, chapter 19 stated the need for increased coordination of United Nations bodies and other international organizations involved in chemicals assessment and management. This led to the establishment of two new coordination mechanisms for strengthening coordination at the international level (see paras. 20-21 and 22-26 below).

19. In September 2002, the World Summit on Sustainable Development[6] adopted the Johannesburg Plan of Implementation, which reflects renewed commitments to the sound management of chemicals and includes some new commitments and targets. For example: (i) the aim to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment; (ii) the development, by 2005, of a strategic approach to international chemicals management; (iii) national implementation of

the new globally harmonized system of classification and labelling of chemicals fully operational by 2008; (iv) the entry into force of the Rotterdam and Stockholm Conventions by 2003 and 2004, respectively; (v) development of coherent and integrated information on chemicals, such as through national pollutant release and transfer registers; (vi) reduction of risks posed by heavy metals; and (vii) issues related to hazardous waste. The World Summit provided a fresh impetus to the ongoing work of the relevant United Nations system organizations and concerned intergovernmental processes in the environmentally sound management of chemicals. A brief summary of activities undertaken by some of these mechanisms since the previous report of the Secretary-General is described below.

1. Inter-organization Programme for the Sound Management of Chemicals

20. The Inter-organization Programme for the Sound Management of Chemicals (IOMC)[7] has been designed to serve as a mechanism for coordinating efforts of intergovernmental organizations in the assessment and management of chemicals. There are seven participating organizations: UNEP, ILO, WHO, FAO, the United Nations Industrial Development Organization, the United Nations Institute for Training and Research (UNITAR) and the Organization for Economic Cooperation and Development (OECD). The Inter-organization Programme for the Sound Management of Chemicals provides a forum to these organizations to collaborate as partners in promoting international work related to the environmentally sound management of chemicals, within the framework of their own respective mandates. IPCS carries out a number of chemical safety-related activities as a contribution to IOMC.

21. The Inter-organization Coordinating Committee brings together representatives of the participating organizations of IOMC for consultations on the planning, programming, implementation and monitoring of their activities. The Coordinating Committee prepares and periodically updates an inventory of the chemical safety activities of the participating organizations. The Committee has established coordinating groups which provide a means for interested organizations working in these areas to discuss ways and means of ensuring that their activities are mutually supportive, to monitor progress and to identify issues of concern. These coordinating groups have dealt with issues of the harmonization of chemical classification systems; chemical information exchange; pollutant release and transfer registers; assessment of existing chemicals; chemical accident prevention, preparedness and response; and identification and management of obsolete stockpiles of pesticides and other chemicals. The Committee has direct responsibility for the coordination of the capacity-building activities of the participating organizations.

2. Intergovernmental Forum on Chemical Safety

22. The International Conference on Chemical Safety established in 1994 the Intergovernmental Forum on Chemical Safety (IFCS),[8] which is an international mechanism for cooperation in chemical safety. The Forum brings together public and private stakeholders, including Governments, intergovernmental bodies, non-governmental organizations and other representatives of civil society in efforts to arrive at policy guidance and strategies to build partnerships and enhance coordination in the promotion of chemical safety. The Forum, a non-institutional organization, has held, since its inception, four sessions. Between sessions of the

Forum, a Standing Committee provides, inter alia, initial input on significant new issues to be considered by the Forum, as well as advice and assistance with regional efforts and monitoring of progress.

23. At its first session, in 1994, the Forum adopted priorities for action for the effective implementation of the programme areas set out in chapter 19 of Agenda 21. The recommendations contained in the priorities for action were addressed to Governments and also provided guidance to international bodies for the development of tools for use by Governments in meeting their national targets. At the second session, held in Ottawa in February 1997, the Forum reviewed activities carried out since the first session and provided further recommendations to the General Assembly at its special session in 1997 for the review of progress in the implementation of Agenda 21. Considerable progress was reported in achieving the targets included in chapter 19.

24. At its third session, held in Brazil in October 2000, the Forum reviewed progress on the follow-up of the programme of action and previously set targets. Substantive progress was reported in meeting most of the targets. The Forum adopted the Bahia Declaration and Priorities for Action beyond 2000, which were addressed to Governments, international organizations, industry, labour unions and public interest groups and included an update of objectives in established areas, as well as targets set in several new areas. All partners of the Forum were called upon to participate actively in realizing the Priorities within a defined time frame.

25. The fourth session of the Forum was held in Bangkok from 1 to 7 November 2003, under the theme "chemical safety in a vulnerable world". The Forum took stock of the progress achieved on the commitments and recommendations made at the previous sessions. It focused on the following topics:

(a) *Children and chemical safety*. The Forum identified the need to consider chemical exposures that occur during preconception and, throughout gestation, infancy, childhood and adolescence. It recommended that Governments prepare, through multistakeholder consultations, initial national assessments of children's environmental health and chemical safety, promoting education and training on children's chemical safety and commit to taking action to prevent or reduce exposure, and requested WHO to convene a meeting to explore mechanisms for collecting data and disseminating information that could be used to reduce uncertainty in risk assessments;

(b) *Occupational safety and health*. The Forum urged ILO, WHO and FAO to strengthen their collaboration in occupational safety and made specific recommendations in each of the following five areas of concern, which correspond to programme areas of chapter 19 of Agenda 21, namely, assessment of chemical risks, harmonization of chemical classification and labelling, information exchange, risk reduction programmes and capacity-building;

(c) *Generation and availability of hazard data*. The Forum stated that for all commercial chemicals, appropriate hazard information should be made available to the public and other information should be accessible according to a balance between the public's right to know and the need to protect valid confidential business information. It encouraged Governments to establish national priorities for information generation on chemicals not produced in high volume and to promote the timely generation of hazard data;

(d) *Acutely toxic pesticides — risk management and reduction.* The Forum recommended that Governments take actions to reduce pesticide poisoning incidents, including implementation of relevant agreements, prioritize pest management in national development strategies, promote integrated pest management, substitute acutely toxic pesticides with safer alternatives, ensure appropriate labelling, avoid the build-up of obsolete pesticide stocks and establish or enhance national systems of surveillance and reporting on poisonings.

(e) *Capacity-building.* In the area of capacity-building assistance, the Forum asked all participants to take full advantage of existing funding opportunities, strengthen bilateral capacity-building efforts, ensure adequate capacity for the sound management of chemicals, disseminate success stories and integrate chemical management into their environmental management programmes. In connection with capacity-building, the Forum also addressed the wide gap that exists between developed and developing countries in their ability to pursue chemical safety policies. It decided to establish an ad hoc expert group with the mandate to propose a systematic way to strengthen the sound management of chemicals in countries with an expressed need for such assistance.

26. The Forum also passed resolutions and made recommendations on (i) a globally harmonized system for the classification and labelling of chemicals; (ii) the prevention of illegal international traffic in toxic and dangerous products; and (iii) a strategic approach to international chemicals management. The fifth session of the Forum will be held in Hungary in the second half of 2005 or early 2006.

3. Persistent organic pollutants (Stockholm Convention)

27. Persistent organic pollutants (POPs),[9] a certain category of chemicals, attracted international attention in the 1960s and 1970s owing to evidence that exposure to very low doses can lead to cancer, damage to the nervous system, diseases of the immune system, reproductive disorders and interference with infant and child development. These chemical substances persist and bioaccumulate and pose a risk to human health and the environment. With further evidence of the long-range transport of these substances to regions where they have never been used or produced and the consequent threat they pose, there was an urgent need for global action to reduce and eliminate their release into the environment.

28. In 1995, the UNEP Governing Council invited IOMC, IFCS and IPCS to initiate an assessment process regarding an initial list of 12 POPs.[10] IFCS convened a working group to develop a work plan for assessing available information on them. The working group concluded that sufficient information existed to demonstrate the need for international action to minimize the risks from the 12 POPs, including a global legally binding instrument, and forwarded its recommendations to the UNEP Governing Council and the World Health Assembly. In 1997, the Governing Council, endorsing these conclusions and recommendations, requested that UNEP, together with the relevant international organizations, prepare for and convene an Intergovernmental Negotiating Committee with a mandate to develop, by the end of 2000, an international legally binding instrument for implementing international action, beginning with the 12 specified POPs.

29. The Intergovernmental Negotiating Committee held five sessions between June 1998 and December 2000 to conclude negotiations on the convention. The Conference of the Plenipotentiaries convened in Stockholm, from 22 and 23 May

2001 to adopt the International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants (the Stockholm Convention), which was signed by 91 Governments and the European Commission. The Convention required 50 ratifications and a 90-day waiting period to come into force. After receiving the fiftieth instrument of ratification from France, on 17 February 2004, the Convention entered into force on 17 May 2004.

30. The treaty calls for international action on 12 POPs grouped into three categories of pesticides, industrial chemicals and unintended by-products. Governments were asked to promote the best available techniques and environmental practices for replacing existing POPs, while preventing the development of new ones. Criteria and procedures have been developed to identify additional POPs. Other key elements of the treaty include: the requirement that developed countries provide new and additional financial resources; control measures to eliminate the production and use of intentionally produced POPs; the elimination of unintentionally produced POPs, where feasible, and management and disposal of POPs wastes in an environmentally sound manner; and substitution involving the use of safer chemicals and processes to prevent toxic by-products.

31. Since the adoption of the Convention, the Intergovernmental Negotiating Committee has continued to meet, under interim arrangements, to prepare for the first conference of the parties. At its sixth and seventh sessions, the Committee adopted decisions on: POPs review committee; expert group on the best available techniques (BAT) and the best environmental practices (BEP); clearing-house mechanism; national implementation plans (NIPs); technical assistance; centres for capacity-building and technology transfer; DDT; register of specific exemptions; exempted use; party reporting; effectiveness evaluation; non-compliance; tool kit for identification and quantification of dioxin and furan releases; interim financial arrangements; the budget and the financial mechanism. The first meeting of the conference of the parties is scheduled to be held in Punta del Este, Uruguay, in April or May 2005.

4. Prior informed consent (Rotterdam Convention)

32. As a result of continuous collaboration that began in 1989 between FAO and UNEP on the principle of prior informed consent (PIC),[10] on 10 September 1998, the Conference of Plenipotentiaries, held in Rotterdam, the Netherlands, adopted the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. The Convention, which was signed by 72 States and one regional economic integration organization, was to have entered into force 90 days after the submission of the fiftieth instrument of ratification. That condition was met on 26 November 2003, when Armenia ratified the Convention. Accordingly, the Convention entered into force on 24 February 2004.

33. The objective of the Convention is to promote shared responsibility and cooperative efforts among parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export and disseminating these decisions to the parties. The Convention applies to banned or severely restricted chemicals or pesticides and

also includes severely hazardous pesticide formulations that are not otherwise banned or severely restricted according to the Convention. It originally covered 27 products,[12] including 17 pesticides, 5 severely hazardous pesticide formulations and 5 industrial chemicals.

34. In order to cover the period between the adoption of the instrument and its entry into force, the Rotterdam Conference decided to bring the original voluntary PIC procedure in line with the provisions of the Convention to enable, inter alia, a voluntary PIC procedure to continue to operate. This was called the interim PIC procedure. Under this new procedure, the Intergovernmental Negotiating Committee performed the functions of the Conference of the Parties. The Interim Chemical Review Committee was established by the Intergovernmental Negotiating Committee and UNEP and FAO were jointly designated as the secretariat for the Convention. The secretariat also ensured the operation of the interim PIC procedure.

35. As the subsidiary body of the interim PIC procedure, the Interim Chemical Review Committee considered draft decision guidance documents for new chemicals and made recommendations to the Intergovernmental Negotiating Committee on the inclusion of new chemicals in the interim PIC procedure. A total of 37 chemicals are currently subject to the interim PIC procedure. Among these are 22 pesticides, 9 industrial chemicals and 6 severely hazardous pesticide formulations. At its fifth session, held in Geneva in February 2004, the Committee discussed five more chemicals, but did not recommend any for inclusion.

36. In its capacity as a governing body for the interim PIC procedure, the Intergovernmental Negotiating Committee addressed issues such as: review of methods of collection of information; recommendations of the Interim Chemical Review Committee, and its operational procedures; inclusion of new chemicals; adoption of decision guidance documents and preparation for the first Conference of the Parties. At its tenth session, held in Geneva in November 2003, the Intergovernmental Negotiating Committee decided to hold one more session to facilitate the process of transition from an interim to a legally binding procedure and to include new chemicals in the interim procedure in advance of the Conference of the Parties. The eleventh session of the Committee will be held in Geneva on 18 September 2004, while the first Conference of the Parties to the Rotterdam Convention is scheduled to be held in Geneva from 20 to 24 September 2004.

5. Strategic approach to international chemical management

37. The initiative of UNEP to develop a strategic approach to international chemicals management (SAICM)[13] — based on the Bahia Declaration on Chemical Safety and the priorities for action beyond 2000, adopted by IFCS — was endorsed by the World Summit on Sustainable Development. The Johannesburg Plan of Implementation called for the completion of the SAICM process by 2005 in order to achieve effective management of risks throughout the chemicals' life cycle of production, use and disposal by 2020. The key feature of the process is its engagement of all sectors of society with an interest in chemical safety, including the environment, health, agriculture, labour, industry and development. The scope of SAICM remains to be determined by the stakeholders. A steering committee of IOMC (see paras. 21-22) members' organizations, IFCS, UNDP and the World Bank will oversee planning for the SAICM process.

38. In February 2003, the UNEP Governing Council endorsed the concept of an international conference, with preparatory meetings, as the basis for developing a SAICM through an open, transparent and inclusive process. Both the World Health Assembly, in May 2003, and the International Labour Conference, in June 2003, supported the SAICM process and called for full participation and contribution to its further development. IFCS, at its fourth session in November 2003, discussed the subsequent development of a SAICM and forwarded the outcome of its deliberations in the form of a report to the first session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management.

39. The first meeting of the Preparatory Committee met in Bangkok from 9 to 13 November 2003. The Committee discussed potential issues to be addressed during the development of a SAICM, examined ways to structure the discussion and considered possible outcomes of the process. At the conclusion of the meeting, the Committee adopted its report, which contains a summary of discussions held during the session, an addendum containing issues to be addressed during the development of a SAICM and several annexes containing items to be forwarded to the second session of the Preparatory Committee and a proposal for intersessional activities. The second session of the Preparatory Committee is tentatively scheduled to be held from 4 to 8 October 2004.

B. Other developments

40. *Globally Harmonized System of Classification and Labelling of Chemicals.* The ongoing work on the harmonization of classification and labelling of chemicals was brought under the auspices of the IOMC Coordinating Group for the Harmonization of Chemical Classification Systems, with OECD, ILO and the Subcommittee of the United Nations Committee of Experts on the Transportation of Dangerous Goods as active members. In 1999 the Economic and Social Council enlarged the mandate of the main Committee and created the new Subcommittee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS Subcommittee). After a decade of coordinated work, the Globally Harmonized System was adopted by the Subcommittee in December 2002 and endorsed by the Council in 2003 (resolution 2003/64). The System is now ready for worldwide implementation by countries and, as called for in the Johannesburg Plan of Implementation is to be fully operational by 2008. The UNITAR/ILO/IOMC Globally Harmonized System capacity-building programme is developing partnership activities and providing support to assist countries in developing and implementing the Globally Harmonized System in order to achieve the 2008 target.

41. *Heavy metals — mercury and lead.* In its 2002 report, the Global Mercury Assessment Working Group states that approximately 70 per cent of new quantified man-made mercury emissions to the atmosphere are from coal-fired power stations and waste incinerators and calls upon Governments to consider a list of options for addressing the dangers of mercury. These include reducing risks by reducing or eliminating the production, use and release of mercury, substituting other non-mercury-based products and processes, launching talks for a legally binding treaty, establishing a non-binding global programme of action and strengthening cooperation among Governments on information-sharing, risk communication, assessment and related activities. The Working Group also recommends a number of "immediate actions", including public awareness programmes targeted at sensitive

populations, such as pregnant women, waste disposal facilities for the safe destruction of obsolete mercury-containing pesticides and pollution control technologies for power stations.

42. The UNEP Governing Council, at its twenty-second session, noted in its decision 22/4 V that there was sufficient evidence from global mercury assessment to warrant immediate national action to protect human health and the environment from the release of mercury and its compounds. Governments were invited to submit their views on the possible medium and long-term actions on mercury. These views will help to decide which option to choose for further action regarding mercury and other heavy metals at the next Governing Council session in 2005. Moreover, the Governing Council, in its decision on lead (22/4 III), encouraged the sound management of lead-containing wastes through the application of technical guidelines and the reduction of lead exposure. Governments were called upon to act in cooperation with the private sector on the phase-out of leaded gasoline and lead-based paint.

43. *Multilateral Environmental Agreements*. Since 1997, the Committee on Trade and Environment of the World Trade Organization (WTO) has been holding annual information sessions on Multilateral Environmental Agreements (MEAs), where UNEP — which provides a secretariat to the Stockholm Convention and, jointly with FAO, to the Rotterdam Convention — and other MEA secretariats have made presentations on various trade-related aspects of their work, including technical assistance, capacity-building and information exchange. These sessions were intended to enhance understanding on various trade-related aspects, in particular, compliance mechanisms and dispute settlement provisions, in MEAs and WTO rules. Of approximately 200 MEAs, about 20, including the Rotterdam and Stockholm Conventions, contain trade-related provisions. In 2001, the Doha Ministerial Declaration[14] mandated, among other measures, (i) negotiations on the relationship between existing WTO rules and specific trade obligations set out in MEAs, and (ii) procedures for regular information exchange between MEA secretariats and the relevant WTO Committees and the criteria for the granting of observer status. The importance of technical assistance and capacity-building areas recognized in the area of trade and environment and exchange of expertise and experience was encouraged on national environmental reviews.

44. The Committee on Trade and Environment, through its special sessions, is conducting negotiations on these issues. In a review prepared for the fifth WTO Ministerial Conference, held in Mexico in September 2003, it was reported that the Committee had made significant progress on certain aspects of the mandate, but further efforts would be required in several other areas. There was general agreement that existing forms of cooperation and an information exchange between WTO, UNEP and MEAs had proven to be valuable and should be enhanced. The Committee had invited some MEAs and UNEP, on an ad-hoc basis, to its two special sessions during 2003 and hope was expressed that that cooperation would continue.

IV. Future trends and emerging issues

45. The entry into force of the Rotterdam and Stockholm Conventions has raised hopes that they will contribute to the World Summit on Sustainable Development aim of ensuring that, by the year 2020, chemicals will be used and produced in ways

that minimize significant adverse effects on human health and the environment. In this regard, the successful conclusion of the SAICM process is essential to achieve the 2020 targets. At the same time they have raised concerns about the wide gap that exists between developed and developing countries in their ability to pursue chemical safety policies. Any effort to bridge the gap, in order to make meaningful further progress in any of the above-mentioned areas, will ultimately depend on the provision of technical assistance and capacity-building in the developing countries and mobilization of financial resources in support of national efforts.

46. The Rotterdam Convention has put an effective system in place for avoiding many of the dangerous practices of the past decades, when people were less aware of the dangers of toxic chemicals. The Convention offers member Governments, particularly in developing countries, the tools they need to protect their citizens and strengthen their chemical management. They can now decide which potentially hazardous chemicals they want to import and which to exclude because they cannot manage them safely.

47. The Stockholm Convention, apart from banning the use of POPs, also focuses on cleaning up the growing accumulation of unwanted and obsolete stockpiles of pesticides and toxic chemicals. This instrument is different in that, when Governments adopted the Convention, the Global Environmental Facility[23] was named as its financial mechanism. It has mobilized resources to support POPs projects in more than 100 countries in a short period of time. Backed by an alliance of developed and developing countries, which also includes industry and environmental groups, the Stockholm Convention holds the promise of a POPs-free world for future generations.

48. Both coordination mechanisms, IFCS and IOMC continue to realize important work on issues related to the sound management of hazardous chemicals and have been instrumental in helping to identify priorities for action by Governments and international organizations. They have contributed to the improved access to information, awareness of international activities and increased cooperation and coordination in the area of chemical safety. IFCS retains its unique position as an overarching and flexible mechanism initiating and responding to innovative policy proposals that could be placed on the agenda of the IOMC governing bodies, which has both the financial and technical resources necessary to take real action on the issues.

V. Conclusions and recommendations

49. Since the previous triennial review by ECOSOC in 2001, there has been significant progress, particularly the coming into force, early this year, of the Rotterdam and Stockholm Conventions. The Conventions have put in place an effective system to deal with certain hazardous chemical products — an issue underlying the need to publish the Consolidated List — but the coverage of both Conventions, though legally binding, is still very limited in the number of products covered. In accordance with the spirit of General Assembly resolution 37/137, the List would continue to include data previously collected by the United Nations system organizations for dissemination until most of the products in the List are reviewed for inclusion by the Conventions.

Recommendation 1

50. **The Economic and Social Council may wish to consider online availability of the Consolidated List on a permanent basis, while printing only the updates in all the official languages of the United Nations, alternating between chemicals and pharmaceuticals every year.**

51. Recent positive developments in the environmentally sound management of hazardous chemicals — the coming into force of the Rotterdam and Stockholm Conventions, the adoption of the Globally Harmonized System, the WTO negotiations on cooperation with the MEA secretariats and UNEP and the launching of SAICM — all point to the overwhelming need for technical assistance and capacity-building in order for developing countries not only to take advantage of existing international mechanisms, but also to make further progress in this area. The expansion of capacity-building activities would be contingent upon the availability of substantial new financial resources to support national-level activities in the management of products harmful to health and the environment.

Recommendation 2

52. **The Council may wish to recommend to multilateral and bilateral agencies to continue to strengthen capacity-building and technical assistance activities in developing countries and urge the donor agencies to provide additional financial resources in support of national efforts to improve the environmentally sound management of toxic chemicals.**

53. There are thousands of chemicals available on the market and hundreds more are added each year, which poses a huge challenge for Governments, especially in developing countries, to monitor and manage these potentially dangerous substances, which are otherwise essential in the everyday lives of their citizens. To date, a piecemeal approach has been employed in dealing with the management of hazardous products, but the evidence is piling up for a life-cycle management approach, which is to achieve an effective management of risks throughout the life cycle of a chemical, i.e., from production and use to the disposal of waste. Therefore, the successful completion of the SAICM process is essential in order to achieve the 2020 targets endorsed by the World Summit on Sustainable Development.

Recommendation 3

54. **The Council may wish to recommend to Member States to participate fully in the process to develop SAICM to its successful conclusion by 2005 in order to achieve the 2020 target on the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment.**

Notes

[1] See A/41/329-E/1986/93, A/44/276-E/1989/78, A/47/222-E/1992/57, A/50/182 and Corr.1-E/1995/66 and Corr.1, A/53/156-E/1998/78 and A/56/115-E/2001/92.

[2] See www.ilo.org/public/english/protection/safework/standard/binder_specrisk.

[3] See www.codexalimentarius.net.

[8] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*, resolution 1, annex II.

[9] See www.who.int/pcs.

[10] See www.johannesburgsummit.org.

[11] For further information, see www.who.int/iomc.

[12] See www.who.int/ifcs.

[13] See www.chem.unep.ch/pops.

[14] Nine pesticides: aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex and toxaphene; two industrial chemicals: hexachlorobenzene (HCB) and polychlorinated biphenyls (PCBs); and two unintended by-products: dioxins and furans.

[15] See www.pic.int.

[16] They are 17 pesticides (2,4,5-T, aldrin, captafol, chlordane, chlordimeform, chlorobenzilate, DDT, dieldrin, dinoseb and dinoseb salts, EDB (1,2-dibromoethane), fluoroacetamide, HCH (mixed isomers), heptachlor, hexachlorobenzene, lindane (gamma-HCH), mercury compounds and pentachlorophenol), 5 severely hazardous pesticide formulations (methamidophos, methyl-parathion monocrotophos, parathions and phosphamidon) and 5 industrial chemicals (crocidolite, PBBs, PCBs, PCTs and Tris (2,3-dibromopropyl) phosphate), which were originally included in the Convention in September 1998. The 4 additional chemicals included since then are binapacryl, ethylene dichloride, ethylene oxide and toxaphene.

[17] See www.chem.unep.ch/saicm.

[18] See http://www.wto.org/english/thewto_e/minist_e/min01_e/mindecl_e.htm.

[19] See http://www.gefweb.org.